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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,061	08/14/2006	Lucas Alexander Karl Scheybal	WSO-48217	3257

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,061	SCHEYBAL, LUCAS ALEXANDER KARL	
	Examiner	Art Unit	
	SEAN KAYES	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/14/06, 9/11/06, 6/9/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9/11/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (US 20010014055.)

4. With respect to claim 13 Martin discloses a timepiece, comprising:

- a housing with a display (paragraph 8 and figures 1-2) and an interface for connection to an integrated electronic circuit (38-40 figure 1);
- a receptacle (38-40 figures 1-2) disposed in said housing, said receptacle being configured to receive contacts of an exchangeable chip having the integrated electronic circuit, said receptacle having contacting elements connected to said

interface for contacting the contacts of the integrated electronic circuit in an inserted position thereof (figure 2); and

- a device for contactless transmission of data connected to said contacting elements (the abstract discusses wherein the device is a telephone; paragraph 1 additionally discusses the device being a mobile communication system/telephone).

5. With respect to claim 14 Martin discloses the timepiece according to claim 13 configured as a wrist watch (abstract and figure 1).

6. With respect to claim 15 Martin discloses the timepiece according to claim 13, wherein said transmission device is an antenna (the device is a mobile telephone which inherently has an antenna).

7. With respect to claim 16 Martin discloses the timepiece according to claim 13, wherein said receptacle for said exchangeable chip is a chip card (4 figure 2).

8. With respect to claim 17 Martin discloses the timepiece according to claim 13, wherein said receptacle is formed to receive a SIM (subscriber identity module) card therein (4 figure 2).

9. With respect to claim 18 Martin discloses the timepiece according to claim 13, wherein said housing is formed with an opening enabling said integrated electronic circuit to be inserted into said receptacle (figure 2).

10. With respect to claim 19 Martin discloses the timepiece according to claim 18, which comprises a flap disposed to close said opening (5, 8, 9, and 23 figure 2).

11. With respect to claim 20 Martin discloses the timepiece according to claim 13, which comprises an element for ejecting said inserted integrated electronic circuit disposed in said housing (5, 15, 37, 40, and/or gravity figure 2).

12. With respect to claim 21 Martin discloses the timepiece according to claim 20, wherein said ejection element is a resiliently mounted pin (15 and/or 37 figure 2).

13. With respect to claim 22 Martin discloses the timepiece according to claim 13, which comprises a display connected with contacting elements in said exchangeable chip receptacle (paragraphs 1 and 8).

14. With respect to claim 23 Martin discloses the timepiece according to claim 13, which comprises an actuating element connected to contacting elements in said exchangeable chip receptacle (actuating elements/buttons are depicted on the right side of figure 1.)

15. With respect to claim 24 Martin discloses the timepiece according to claim 23, wherein said actuating element is a key (paragraph 8 discusses a keyboard).

16. With respect to claim 25 Martin discloses the timepiece according to claim 13, wherein said contacting elements are resiliently mounted pins (37 figure 2).

17. With respect to claim 26 Martin discloses the timepiece according to claim 13, wherein said contacting elements are spring elements (37 figure 2).

18. With respect to claim 27 Martin discloses the timepiece according to claim 13, wherein said contacting elements connected to said interface are disposed in said exchangeable chip receptacle on an opposite side from said contacting elements connected to said transmission device (figure 2).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN KAYES whose telephone number is (571) 272-8931. The examiner can normally be reached on 11:00am to 9:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Felix O. Figueroa/
Primary Examiner, Art Unit 2833

SK
6/10/2008